

REMARKS

Reconsideration of the present application is requested in order to clarify issues for appeal, or to withdraw the presently asserted rejections.

I. Status of the Claims

Claims 1-5 are currently pending in the present application. In the Final Office Action dated May 14, 2003, rejections of Claims 1-5 were sustained under 35 U.S.C. §103(a) as being unpatentable over Belec et al, in view of Becher.

II. Response to the Examiner's Arguments Under 35 U.S.C. § 103

In the May 14, 2003 Office Action the Examiner responded to Applicants' arguments about patentability under 35 U.S.C. § 103. These responses brought to light some misunderstandings and errors that will be addressed in this paper, and will hopefully avoid necessity of an appeal.

The term "transverse"

The Examiner continues assert that Belec discloses "the envelope conveying arrangement . . . oriented transversely to the push in direction." This assertion is in conflict with the ordinary meaning of the word "transverse" and the meaning of the word as used in the present application. The Examiner appears to be substituting the concept of "intersecting with the push in direction" for "transverse" orientation. In Belec, the envelope transport arises at an angle from below to

intersect with the path of the documents to be inserted. However, this arrangement in Belec would not be considered "transverse" using the ordinary meaning.

As seen in the present application, the term transverse is used in its normal sense to describe "The envelope-conveying belt 6 runs transversely to the push-in direction of the push in station 2 and can be driven such that its top strand is moved from right to left in relation to the illustration in Fig. 1." As seen in Fig. 1, the push-in direction and the envelope-conveying belt cross each other transversely to form a T. Nothing like this is depicted in Belec.

Routine skill in the art

The Examiner continues to assert that the use of the transverse arrangement is obvious because it only uses routine skill in the art. This opinion of the Examiner is unsupported by any evidence, and is insufficient to withstand appeal. As discussed in the prior Amendment, the choice of orientation of the respective transports has a dramatic effect on the whole apparatus. For example, use of the transverse arrangement makes use of the raised and lowered roller bar (10) relevant. Mere substitution of transverse for non-transverse arrangements would negate the utility of the claimed invention. As such, it is incumbent upon the Examiner to provide some evidence that the transverse arrangement is known in the art, rather than relying on his bare and unsupported opinion. The Examiner is also asked to consider that the change in orientation for delivering documents changes the supporting components and techniques that make high speed insertion feasible.

Raising and Lowering Feature for Roller Bar (10)

The Examiner states a belief that a raising and lowering feature for the roller bars in Becher has to be automated in order to pivot the bar as seen in the differences of the bar locations in Figs. 1 and 2. To the contrary, in Becher the raising and lowering is accomplished manually in order to gain access to the transport deck below. In Becher, raising and lowering the bar serves no purpose relating to transporting envelopes. In contrast, in the present invention raising is necessary to allow a document to be inserted in to the envelope, and lowering is necessary to provide a normal force for transporting the envelope. Since Becher does not relate to inserting documents into envelopes, it is irrelevant, particularly with respect to raising and lowering of the roller bar.

The Examiner's belief that Becher discloses the roller bars (10) of the rejected claims, must be supported by the document itself, not hindsight in view of Applicants' invention. There is no support in any of the asserted references of a "roller bar (10) equipped with spring mounted rollers (13) can be lowered onto the top side of the tops strand of the envelope-conveying belt (6), and raised from it in a controlled manner." It is incumbent upon the examiner to provide support for his contention that this element is found in the prior art, or to withdraw the rejection. Otherwise the rejection will fail upon appeal.

Because features recited in claim 1 are not disclosed or suggested in either the Belec or Becher references the rejection under § 103 should be withdrawn. For the same reasons, dependent claims 2-5 should be found allowable.

If the Examiner has any questions, he is urged to contact the undersigned attorney.

Respectfully submitted,



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